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## Commission on the Status of Women

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Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”

**Statement submitted by Advocates for Youth, Allied Rainbow Communities International, Amnesty International, Federatie van Nederlandse Verenigen tot Integratie Van Homoseksualiteit – COC Nederland, International Lesbian and Gay Association, International Service for Human Rights, Lesbian and Gay Federation in Germany, OutRight Action International, Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights, and Women and Media Collective, non-governmental organizations in consultative status with the Economic and Social Council\***

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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\* The present statement is issued without formal editing.



## **Statement**

The Beijing Declaration outlines twelve critical areas of concern, including gender-based violence, education, employment, human rights, and health. It makes comprehensive commitments in each area to achieve gender equality and the empowerment of all women.

The 2030 Agenda amplifies the spirit of the Beijing Declaration. It aims to mobilize countries to end all forms of poverty, fight inequalities, and tackle the climate crisis. The guiding principle of the 2030 Agenda is to leave no one behind, universally applying the 2030 Agenda to all without discrimination on any basis.

However, full implementation of these commitments and the achievement of gender equality remains unattainable due to the continued exclusion of marginalized communities. To ensure full realization of the Beijing Declaration and achieve the 2030 Agenda, violence and discrimination faced by lesbian, bisexual, transgender, intersex, and gender non-conforming women and people must be urgently addressed.

### **Violence and discrimination**

All lesbian, bisexual, transgender, intersex, and gender non-conforming women and people continue to experience human rights violations because of their real or perceived sexual orientation, gender identity and expression, and sex characteristics. These violations include: killings; violent attacks; torture; arbitrary detention; forced marriage; honour killings; infanticide; hate speech; conversion therapies; violations on rights to assembly and expression and violence by state and non-state actors. This is further compounded by intersecting forms of discrimination based on class, caste, ethnicity, race. Human rights defenders who defend the rights of lesbian, bisexual, transgender, intersex, and gender non-conforming women and people suffer specific and escalating violence, and restrictions are imposed on their organizations.

Discrimination and violence are exacerbated by laws that directly or indirectly criminalize individuals based on their real or perceived sexual orientation, gender identity, gender expression, and sex characteristics. Criminalization and lack of access to protective legal structures leave lesbian, bisexual, transgender, intersex, and gender non-conforming women and people, as well as human rights defenders who defend their rights, highly vulnerable and without access to mechanisms for recourse and redress. They face targeted violence and discrimination when seeking refuge from persecution and in humanitarian emergencies. These violations are underreported, and rarely properly investigated and prosecuted, leading to widespread impunity, lack of justice, remedies, and support for victims.

Lesbian, bisexual, transgender, intersex, and gender non-conforming women and people face systematic discrimination in critical dimensions of development including accessing health care, housing, education, and employment. These experiences negatively impact livelihood, human capital, and economic participation, ultimately creating and perpetuating a cycle of poverty. Socially-constructed gender roles, norms, and stereotypes, along with experiencing multiple and intersecting forms of discrimination, lead to further exclusion and oppression.

### **Health**

Punitive and violent environments that marginalize people based on their sexual orientation, gender identity, gender expression, and sex characteristics create significant barriers to accessing health resources. Service providers working with these individuals are often impacted and forced to stop working due to retraction of funding, harassment, or fear of persecution. Individuals may not disclose their sexual

orientation, gender identity, or intersex status to medical professionals for fear of judgement, malpractice, harassment, or detention.

Lesbian, bisexual, transgender, intersex, and gender non-conforming women and people lack health insurance coverage, preventative health services, secure income, access to knowledgeable or culturally-competent health and social service providers, and face cultural beliefs that decrease utilization of available services. Therefore, they are less likely to seek routine medical care, such as mammograms and pap smear tests, and have higher risks for heart disease, cancer, and depression. Alarming, barriers to health care access have resulted in higher rates of HIV infection in transgender women. Transgender people also lack access to hormonal, surgical, psychological, or other specific health services.

The practice of non-consensual and unnecessary genital surgery on intersex infants is an underrecognized and underserved issue. They are subjected to irreversible surgical interventions that share similar impacts of female genital mutilation, including: physical and psychological suffering; scarring; and reduction or erasure of sexual pleasure, function, and fertility. Medical needs are often cited as justification for these surgeries which rarely yield health benefits. Multiple United Nations treaty bodies and human rights experts recognize that harmful, forced, coercive, and non-consensual procedures on intersex persons violate their rights to bodily integrity and to be free from torture and ill treatment.

### **Education**

Young people commonly face discrimination and violence on the basis of real or perceived sexual orientation, gender identity, and gender expression in education settings. Homophobic, biphobic, and transphobic bullying, including cyberbullying, leads to unsafe environments for youth who are or are perceived to be lesbian, bisexual, or transgender. This leads to increased absenteeism and negative impacts on school performance and mental and physical well-being, such as self-esteem issues, depression, and suicide.

Transgender and gender non-conforming youth are subjected to elevated rates of violence, harassment, and bullying by peers and educators. For example, young girls have reported being expelled from school or beaten by peers for appearing too masculine.

Young people lack comprehensive sexuality education inclusive of sexual orientation, gender identity and expression, and sex characteristics.

Situations are worse for lesbian, bisexual, transgender, intersex, and gender non-conforming youth, who may be forced out of their homes by their families, leaving them vulnerable and without housing.

### **Employment, economic security, and social protection**

Lesbian, bisexual, transgender, intersex and gender non-conforming women and people experience exclusion from the formal labour market. Discriminatory practices in hiring, promotion, and remuneration often lead to loss of employment or job opportunities due to their gender expression or openness about their sexual orientation or gender identity. Transgender people face systemic discrimination in employment and high rates of workplace harassment, along with other forms of anti-transgender bias, leading to disproportionate rates of poverty.

Discrimination in education, housing, health, and employment make some lesbian, bisexual, transgender, intersex, and gender non-conforming women and people more economically dependent on male relatives and forces them into heterosexual relationships. This may increase risks of physical abuse and sexual

violence by partners or family members, and decrease access to public services, social protection systems, and sustainable infrastructure. Studies indicate suicide, or attempted suicide, is relatively common, due to compounding stigma, isolation, and acute mental stresses.

### **Human rights**

The human rights of lesbian, bisexual, transgender, intersex, and gender non-conforming women and people are not new or special: it is the application of existing international human rights law equally to everyone irrespective of their sexual orientation, gender identity, gender expression, and sex characteristics.

Over the past 20 years, all United Nations treaty bodies have addressed violence and discrimination based on sexual orientation, gender identity, gender expression, and sex characteristics. The Human Rights Council has passed three resolutions on violence and discrimination based on sexual orientation and gender identity. It also appointed its first Independent Expert on Sexual Orientation and Gender Identity, confirmed by the General Assembly in 2016.

Many reports from the Human Rights Council, Secretary General, and Special Procedures highlight violence and discrimination against lesbian, gay, bisexual, transgender and intersex people; multiple Human Rights Council resolutions and General Assembly resolutions on extrajudicial executions also note these concerns. Notably, the Holy See stated its concern about violence against homosexual persons in the General Assembly in 2009.

### **Conclusion**

Systematic attacks globally on all women's human rights, including sexual and reproductive health and rights, driven by conservative, populist, and fundamentalist agendas, and fuelled by sexism, racism, and xenophobia, are rising. Without an explicit commitment to pushing back against these trends, the Beijing Declaration and the 2030 Agenda will never be realized.

The Beijing Declaration and the 2030 Agenda agree that violence and discrimination, stigma, and the social and economic exclusion of any person, community, and group must end. These frameworks must prioritize and address the marginalization of lesbian, bisexual, transgender, intersex, and gender non-conforming women and people, their vulnerability, and discrimination faced in almost all development and human rights areas. A better world for everybody is only possible if we consider human diversity.

We call on all governments at the sixty-fourth session of the Commission on the Status of Women to commit to ending all violence and discrimination on the grounds of sexual orientation, gender identity, gender expression, and sex characteristics, and to clearly reflect this commitment in the twenty-fifth review of the Beijing Declaration and five-year review of the 2030 Agenda.